

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 70**

A bill to create the address confidentiality program; to provide certain protections for victims of domestic violence, sexual assault, stalking, or human trafficking and for certain other individuals; to prescribe duties and responsibilities of certain state departments; to require the promulgation of rules; to create a fund; to prohibit the disclosure of certain information and obtaining a certification under this act by fraud; and to prescribe penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. This act shall be known and may be cited as the
- 2 "address confidentiality program act".
- 3 Sec. 3. As used in this act:
- 4 (a) "Application assistant" means an employee or volunteer at



1 an agency or organization that serves victims of domestic violence,
2 stalking, human trafficking, or sexual assault who has received
3 training and certification from the department of the attorney
4 general to help individuals complete applications to become program
5 participants.

6 (b) "Confidential address" means the address of a program
7 participant's residence, as specified on an application to be a
8 program participant or on a notice of change of information as
9 provided under section 5 that is classified confidential by the
10 department of the attorney general.

11 (c) "Designated address" means the mailing address at which
12 the department of technology, management, and budget receives mail
13 to forward to program participants.

14 (d) "Domestic violence" means the occurrence of any of the
15 following acts by a person that is not an act of self-defense:

16 (i) Causing or attempting to cause physical or mental harm to a
17 family or household member.

18 (ii) Placing a family or household member in fear of physical
19 or mental harm.

20 (iii) Causing or attempting to cause a family or household
21 member to engage in involuntary sexual activity by force, threat of
22 force, or duress.

23 (iv) Engaging in activity toward a family or household member
24 that would cause a reasonable person to feel terrorized,
25 frightened, intimidated, threatened, harassed, or molested.

26 (e) "Family or household member" means that term as defined in
27 section 1 of 1978 PA 389, MCL 400.1501.

28 (f) "Governmental entity" means this state, a local unit of
29 government, or any department, agency, board, commission, or other



1 instrumentality of this state or a local unit of government.

2 (g) "Guardian of a ward" means a person who has qualified as a
3 guardian of a legally incapacitated individual under a court
4 appointment.

5 (h) "Human trafficking" means a violation of chapter LXVIIA of
6 the Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462h.

7 (i) "Law enforcement agency" means that term as defined in
8 section 2 of the Michigan commission on law enforcement standards
9 act, 1965 PA 203, MCL 28.602.

10 (j) "Local unit of government" means a city, village,
11 township, or county in this state.

12 (k) "Minor" means an individual under the age of 18 who is not
13 emancipated under 1968 PA 293, MCL 722.1 to 722.6.

14 (l) "Municipally owned utility" means electric, gas, or water
15 services provided by a municipality.

16 (m) "Program" means the address confidentiality program
17 created under this act.

18 (n) "Program participant" means an individual who is certified
19 by the department of the attorney general as a program participant
20 under section 5.

21 (o) "Sexual assault" means a violation, attempted violation,
22 or solicitation or conspiracy to commit a violation of section
23 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA
24 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

25 (p) "Stalking" means that term as defined in section 411h or
26 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and
27 750.411i.

28 (q) "Victim" means an individual who suffers direct or
29 threatened physical, financial, or emotional harm as the result of



1 a commission of a crime.

2 (r) "Victim advocate" means an employee of the department of
3 the attorney general, the department of state, or the department of
4 technology, management, and budget, or an employee of a county
5 prosecutor's office, who has received training and certification
6 from the department of the attorney general to help individuals
7 complete applications to become program participants, and who is
8 available to help individuals complete the applications and is
9 responsible for assisting program participants in navigating
10 through and accessing all aspects of the program.

11 (s) "Ward" means that term as defined in section 1108 of the
12 estates and protected individuals code, 1998 PA 386, MCL 700.1108.

13 Sec. 5. (1) Subject to section 19(4), the address
14 confidentiality program is created in the department of the
15 attorney general.

16 (2) Except for an individual described in subsection (13), the
17 following individuals are eligible to apply to the program and may
18 submit an application, with the assistance of an application
19 assistant or a victim advocate, for certification as a program
20 participant by the department of the attorney general:

21 (a) If changing his or her residence, an individual who is 18
22 years of age or older or is an emancipated minor under 1968 PA 293,
23 MCL 722.1 to 722.6.

24 (b) If changing the residence of a minor, a legal parent or
25 the guardian of the minor appointed by a court.

26 (c) If the residence of a ward is changing, the guardian of
27 that ward if the guardian is granted the power to apply by a court
28 under section 5306 of the estates and protected individuals code,
29 1998 PA 386, MCL 700.5306.



(3) The application under subsection (2) must be filed with the department of the attorney general in the manner and form prescribed by the department of the attorney general and must contain the following:

(a) A notarized statement that meets 1 of the following requirements:

(i) If the applicant is an individual described under subsection (2)(a), a statement by that individual that disclosure of the address provided under subdivision (d) will increase the risk that he or she will be threatened or physically harmed by another person or that the individual is a victim of domestic violence, stalking, human trafficking, or sexual assault.

(ii) If the applicant is the legal parent of a minor or the guardian of a minor appointed by a court, a statement by that parent of a minor or guardian that disclosure of the address provided under subdivision (d) will increase the risk that the minor will be threatened or physically harmed by another person or that the parent or guardian, or the minor, is a victim of domestic violence, stalking, human trafficking, or sexual assault.

(iii) If the applicant is the guardian of a ward as provided under subsection (2)(c), a statement by that guardian that the disclosure of the address provided under subdivision (d) will increase the risk that the ward will be threatened or physically harmed by another person or that the ward is a victim of domestic violence, stalking, human trafficking, or sexual assault.

(b) A knowing and voluntary designation of the department of technology, management, and budget as the agent for the purposes of receiving mail and service of process.

(c) The mailing address, telephone number, and electronic mail



1 address, if applicable, at which the department of the attorney
2 general, the department of state, or the department of technology,
3 management, and budget, may contact the individual, minor, or ward.

4 (d) The address of residence that the applicant requests not
5 be disclosed.

6 (e) The signature of the applicant, the name and signature of
7 the application assistant or victim advocate who assisted the
8 applicant, and the date the application was signed.

9 (4) The application under subsection (2) may provide an option
10 for an applicant to select the type of victimization the applicant
11 believes warrants the need for participation in the program. The
12 department of the attorney general may not consider information
13 provided or withheld under this subsection in certifying a program
14 participant.

15 (5) The department of the attorney general shall do all of the
16 following after an individual, the parent or guardian of a minor,
17 or a guardian of a ward files a completed application:

18 (a) Except as provided in subsection (6), certify the
19 individual, minor, or ward as a program participant.

20 (b) Issue the program participant a unique identification
21 number and a participation card.

22 (c) Classify each eligible address listed in the application
23 as a confidential address.

24 (d) Provide the program participant with information
25 concerning the manner in which the program participant may use the
26 department of technology, management, and budget as the agent of
27 the program participant for the purposes of receiving mail and
28 service of process.

29 (e) If the program participant is eligible to vote, provide



1 the program participant with information concerning the process to
2 register to vote and to vote as a program participant under the
3 Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

4 (f) Provide the program participant with information
5 concerning the procedure from which the program participant will
6 receive a corrected operator's or chauffeur's license under section
7 310f of the Michigan vehicle code, 1949 PA 300, MCL 257.310f, a
8 corrected enhanced driver license or enhanced official state
9 personal identification card under section 4 of the enhanced driver
10 license and enhanced official state personal identification card
11 act, 2008 PA 23, MCL 28.304, or a corrected official state personal
12 identification card under section 2a of 1972 PA 222, MCL 28.292a.

13 (g) Provide the program participant with information regarding
14 methods to protect a confidential address, including, but not
15 limited to, information regarding the risks of disclosing the
16 confidential address to other persons and the risks of using social
17 media and other similar electronic technologies, including
18 geotagging photographs; and other information that the attorney
19 general determines would help the program participant protect his
20 or her confidential address.

21 (6) An individual, minor, or ward must not be certified as a
22 program participant if the department of the attorney general knows
23 the confidential address provided in the application as described
24 in subsection (3)(d) is an address that has been provided to the
25 secretary of state for that individual, minor, or ward.

26 (7) A program participant shall update information provided in
27 an application within 30 days after a change to that information
28 has occurred by submitting a notice of change of information to the
29 department of the attorney general on a form prescribed by the



1 department of the attorney general.

2 (8) Unless the certification is canceled under section 9, the
3 certification of a program participant is valid for 4 years from
4 the date listed on the application under subsection (3), on the
5 renewal application under subsection (10), or on the certification
6 continuance application under subsection (11).

7 (9) The department of the attorney general may, with proper
8 notice, cancel the certification of a program participant as
9 provided under section 9.

10 (10) A program participant who continues to be eligible to
11 participate in the program may renew the certification of the
12 program participant. The renewal application must be on a form
13 prescribed by the department of the attorney general and must meet
14 the requirements under subsections (2) and (3). A renewal of
15 certification of the program participant must not alter the unique
16 identification number issued under subsection (5)(b).

17 (11) If a program participant certified as a minor becomes 18
18 years of age or older while his or her certification remains valid,
19 the department of the attorney general shall mail a certification
20 continuance application to that program participant. The
21 certification continuance application must be on a form prescribed
22 by the department of the attorney general, must meet the
23 requirements under subsections (2) and (3), and must inform the
24 program participant of his or her right to choose to continue or
25 discontinue in the program. The program participant may continue
26 certification as a program participant after becoming 19 years of
27 age by completing the certification continuance application with
28 the assistance of an application assistant or victim advocate and
29 filing the application before the program participant becomes 19



1 years of age.

2 (12) An application submitted under this act and the
3 information of a program participant described under section 15(1)
4 is confidential, is not a public record, is exempt from disclosure
5 under the freedom of information act, 1976 PA 442, MCL 15.231 to
6 15.246, and may only be disclosed as authorized under this act.

7 (13) An offender who is required to be registered under the
8 sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736,
9 is not eligible to submit an application and must not be certified
10 as a program participant.

11 (14) The department of the attorney general shall create a
12 participation card for the program. A participation card must
13 contain the name and unique identification number of a program
14 participant, and the designated address.

15 (15) The certification of a minor as a program participant
16 does not prohibit a parent or guardian from voluntarily disclosing
17 the minor's confidential address.

18 (16) The certification of a minor as a program participant
19 does not amend or affect the enforceability of a custody or
20 parenting time order issued by a court of competent jurisdiction,
21 affect a parent's right to initiate a child custody action or use
22 friend of the court services, or otherwise limit a court's
23 authority in a child custody action.

24 Sec. 7. (1) A program participant may request that a
25 governmental entity use the designated address as the program
26 participant's address. Except as otherwise provided in subsection
27 (6) and in the Michigan election law, 1954 PA 116, MCL 168.1 to
28 168.992, if a request is made under this subsection, a governmental
29 entity shall use the designated address. The program participant



1 may provide his or her participation card as proof of his or her
2 certification as a program participant.

3 (2) If a program participant's employer, school, or
4 institution of higher education is not a governmental entity, the
5 program participant may request that the employer, school, or
6 institution of higher education use the designated address as the
7 program participant's address.

8 (3) The department of technology, management, and budget
9 shall, on each day the department of technology, management, and
10 budget is open for business, place all first-class, registered, or
11 certified mail of a program participant that the department of
12 technology, management, and budget receives into an envelope or
13 package and mail that envelope or package to the program
14 participant at the mailing address the program participant provided
15 on the application under section 5(3)(c) for that purpose. The
16 department of technology, management, and budget may contract with
17 the United States Postal Service for special rates for the mail
18 forwarded under this subsection. Service by mail under this
19 subsection of court papers, other than service of process, is
20 complete 3 mailing days after the department of technology,
21 management, and budget forwards the mail to the program
22 participant.

23 (4) Upon receiving service of process on behalf of a program
24 participant, the department of technology, management, and budget
25 shall immediately forward the process by certified mail, return
26 receipt requested, to the program participant at the mailing
27 address the program participant provided on the application under
28 section 5(3)(c) for that purpose.

29 (5) If a person intends to serve process on an individual and



1 makes an inquiry with the department of the attorney general or the
2 department of technology, management, and budget to determine if
3 the individual is a program participant, the department of the
4 attorney general or the department of technology, management, and
5 budget shall only confirm that the individual is or is not a
6 program participant and, except as otherwise allowed under this
7 subsection, must not disclose further information regarding the
8 program participant. If process has been forwarded to a program
9 participant under subsection (4), the department of technology,
10 management, and budget shall disclose the date of mailing to the
11 person attempting to serve the program participant.

12 (6) Subsection (1) does not apply to a municipally owned
13 utility. The confidential address of a program participant that is
14 maintained by a municipally owned utility must not be released, and
15 is not a public record and is exempt from disclosure under the
16 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

17 Sec. 9. (1) The department of the attorney general may cancel
18 the certification of a program participant if the program
19 participant is not reachable at the mailing address, telephone
20 number, and any electronic mail address provided under section
21 5(3)(c) for 60 or more days.

22 (2) The department of the attorney general shall cancel the
23 certification of a program participant in any of the following
24 circumstances:

25 (a) The program participant's application contained 1 or more
26 false statements.

27 (b) The program participant or the legal parent of or a
28 guardian appointed by a court for a minor that is a program
29 participant or the guardian of a ward that is a program participant



1 files a notarized request for cancellation on a form prescribed by
2 the department of the attorney general.

3 (c) The program participant fails to file a renewal
4 application while the initial certification as a program
5 participant is valid as provided in section 5(8). The department of
6 the attorney general may promulgate a rule to provide for a grace
7 period.

8 (d) The program participant fails to file a continuance
9 application required under section 5(11) before the program
10 participant becomes 19 years of age.

11 Sec. 11. (1) A department of this state, a law enforcement
12 agency, or a local unit of government may request the department of
13 the attorney general to provide the confidential address, telephone
14 number, and electronic mail address of a program participant if the
15 requesting department of this state, a law enforcement agency, or a
16 local unit of government requires access to the confidential
17 address, telephone number, or electronic mail address of the
18 program participant for a legitimate governmental purpose. A
19 request may only be submitted under this subsection if the
20 department of this state, the law enforcement agency, or the local
21 unit of government was unsuccessful in contacting the program
22 participant using the designated address. Upon receiving a request
23 under this subsection, the department of the attorney general shall
24 confirm whether an individual, minor, or ward is a program
25 participant but may not disclose further information except as
26 provided under subsections (3) and (4).

27 (2) Upon the filing of a request under this section and if the
28 program participant is not identified in the request as a suspect
29 in a criminal investigation, the department of the attorney general



1 shall promptly provide the program participant with notice of the
2 request.

3 (3) Subject to subsection (4), the department of the attorney
4 general may grant the request submitted under subsection (1) if the
5 department of the attorney general determines that disclosure of
6 the confidential address, telephone number, or electronic mail
7 address of the program participant to the requesting department of
8 this state, law enforcement agency, or local unit of government is
9 necessary for a legitimate governmental purpose.

10 (4) If a request submitted under subsection (1) is for the
11 confidential address, telephone number, or electronic mail address
12 of a minor, the department of the attorney general must consider if
13 disclosure of the information requested is harmful to the program
14 participant.

15 (5) Except as otherwise provided under section 21(2), a person
16 who receives a confidential address, telephone number, or
17 electronic mail address of a program participant under this section
18 shall not disclose that information to another person.

19 Sec. 13. (1) The department of the attorney general shall
20 develop and offer a training program for application assistants and
21 victim advocates to obtain certification under this act.

22 (2) The department of the attorney general shall certify a
23 person applying for certification as an application assistant or as
24 a victim advocate under this act if that person has completed the
25 training program under subsection (1). The department of the
26 attorney general shall make available on its website the names and
27 contact information of the application assistants and victim
28 advocates.

29 (3) An application assistant or victim advocate who provides



1 assistance in accordance with this act does not violate section 916
2 of the revised judicature act of 1961, 1961 PA 236, MCL 600.916.

3 Sec. 15. (1) The department of the attorney general must
4 create and maintain a computerized database that contains the name,
5 unique identification number, confidential address, mailing
6 address, telephone number, and any electronic mail address of each
7 program participant. The database must also include information
8 described in section 5(4) that is provided on an application. The
9 department of the attorney general, the department of technology,
10 management, and budget, and the department of state may have access
11 to the database as required to implement this act.

12 (2) The department of the attorney general must ensure the
13 database under subsection (1) immediately provides the department
14 of technology, management, and budget and the department of state,
15 upon the certification of a program participant, the information
16 listed in subsection (1), and upon the cancellation of a
17 certification of a program participant under section 9, that
18 status.

19 (3) The Michigan intelligence operations center in the
20 department of state police shall only access the database created
21 under subsection (1) in exigent circumstances and provide a program
22 participant's information to a law enforcement agency if the center
23 receives all of the following information from the law enforcement
24 agency requesting the information:

25 (a) The originating agency identifier.

26 (b) A description of the exigent circumstances that require
27 the disclosure of information from the database.

28 (c) The law enforcement agency's incident report number
29 associated with the exigent circumstances described under



1 subdivision (b).

2 (d) Whether the program participant is a suspect in a criminal
3 investigation related to the exigent circumstances described under
4 subdivision (b).

5 (4) The department of state police shall promptly provide the
6 department of the attorney general with notice if a program
7 participant's information is provided to a law enforcement agency
8 under subsection (3). If the program participant is not identified
9 as a suspect in a criminal investigation, the department of the
10 attorney general shall promptly forward the notice to the program
11 participant.

12 Sec. 17. The department of the attorney general may, in
13 consultation with the Michigan domestic and sexual violence
14 prevention and treatment board, the department of technology,
15 management, and budget, and the department of state, promulgate
16 rules to implement this act in compliance with the administrative
17 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

18 Sec. 19. (1) The confidential address fund is created in the
19 state treasury. The fund must be administered by the attorney
20 general.

21 (2) The state treasurer may receive money and assets from any
22 source for deposit into the fund. The state treasurer shall direct
23 the investment of the fund. The state shall credit to the fund
24 interest and earnings from fund investments.

25 (3) Money in the fund at the close of the fiscal year must
26 remain in the fund and must not lapse to the general fund.

27 (4) The department of the attorney general shall develop and
28 implement the program not more than 2 years after an appropriation
29 is made to the fund to develop and implement the program.



1 (5) The department of the attorney general shall expend money
2 from the fund, upon appropriation, for the purpose of administering
3 the program.

4 Sec. 21. (1) A person shall not knowingly make a false
5 statement in an application submitted under section 5.

6 (2) Except as otherwise provided by law, a person that is
7 authorized under this act to access a confidential address,
8 telephone number, or electronic mail address of a program
9 participant or that is provided access to a confidential address,
10 telephone number, or electronic mail address of a program
11 participant under section 11 or 15(3) shall not knowingly disclose
12 that confidential address, telephone number, or electronic mail
13 address to any other person unless the disclosure is authorized
14 under this act.

15 (3) A person that violates this section is guilty of a
16 misdemeanor punishable by imprisonment for not more than 93 days or
17 a fine of not more than \$500.00, or both.

18 Sec. 23. (1) The department of the attorney general shall
19 establish an address confidentiality program advisory council
20 composed of the following members:

21 (a) The attorney general, or his or her designee.

22 (b) The director of the department of technology, management,
23 and budget, or his or her designee.

24 (c) The secretary of state, or his or her designee.

25 (d) The executive director of the Michigan Coalition to End
26 Domestic and Sexual Violence, or his or her designee.

27 (e) The executive director of the Michigan domestic and sexual
28 violence prevention and treatment board, or his or her designee.

29 (f) A representative of the state court administrative office.



1 (g) A representative of a unit of local government.

2 (2) Not later than 4 years after the effective date of this
3 act, the first meeting of the advisory council must be called by
4 the member described under subsection (1)(a).

5 (3) Except as provided in subsection (6), information
6 collected by the advisory council under this section is exempt from
7 disclosure under the freedom of information act, 1976 PA 442, MCL
8 15.231 to 15.246.

9 (4) The advisory council shall not deliberate toward or render
10 a decision on public policy, and a meeting of the advisory council
11 is not a meeting of a public body under the open meetings act, 1976
12 PA 267, MCL 15.261 to 15.275.

13 (5) Members of the advisory council shall serve without
14 compensation. However, members of the advisory council may be
15 reimbursed for their actual and necessary expenses incurred in the
16 performance of their official duties as members of the advisory
17 council.

18 (6) The advisory council shall study the operations of and
19 evaluate the program, and prepare and submit a report to the
20 legislature of the findings. The advisory council shall not include
21 in the report the name, confidential address, telephone number, or
22 electronic mail address of a program participant or any other
23 information that could reasonably be expected to identify a program
24 participant. The report submitted under this subsection must be
25 made available to the public in compliance with the freedom of
26 information act, 1976 PA 442, MCL 15.231 to 15.246.

27 Enacting section 1. This act does not take effect unless all
28 of the following bills of the 100th Legislature are enacted into
29 law:



- 1 (a) Senate Bill No. 73.
- 2 (b) Senate Bill No. 74.
- 3 (c) Senate Bill No. 75.

